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10/27/2022 PH

THOMAS G. BRUTON  
CLERK, U.S. DISTRICT COURT

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

THOMAS G. BRUTON  
CLERK, U.S. DISTRICT COURT

JORGE ALEJANDRO ROJAS,

*Plaintiff,*

vs.

NANCY PELOSI FOR CONGRESS, NANCY  
PELOSI, and ACTBLUE LLC,

*Defendants.*

**1:22-CV-05868**  
Case No. \_\_\_\_\_  
**JUDGE COLEMAN**  
**MAGISTRATE JUDGE FINNEGAN**  
**COMPLAINT FOR DAMAGES**

**JURY TRIAL DEMANDED**

Plaintiff, Jorge Alejandro Rojas, (“Plaintiff”) brings this action under the Telephone Consumer Protection Act (“TCPA”), 47 U.S.C. § 227, against Nancy Pelosi for Congress (“Pelosi Campaign”), Nancy Pelosi (“Pelosi”), and ACTBLUE LLC (“Actblue”), (collectively “Defendants”), and alleges based on personal knowledge and information and belief:

**INTRODUCTION**

1. As the Supreme Court has explained, Americans passionately disagree about many things. But they are largely united in their disdain for robocalls. The government receives a staggering number of complaints about robocalls—3.7 million complaints in 2019. The States likewise field a constant barrage of complaints. For nearly 30 years, representatives in Congress have been fighting back. As relevant here, the Telephone Consumer Protection Act of 1991, known as the “TCPA”, generally prohibits robocalls to cell phones and home phones. *Barr v. Am. Ass'n of Political Consultants*, 140 S. Ct. 2335, 2343 (2020).
2. Plaintiff brings this action against Defendants for violations of the TCPA, 47 U.S.C. § 227 and its implementing regulations, 47 C.F.R § 64.1200.
3. This case involves a campaign by Defendants which placed illegal, campaign-related pre-recorded and automated texts to Plaintiff’s telephone number, which were not consented to.

**JURISDICTION AND VENUE**

4. This Court has subject-matter jurisdiction over the claims herein under 28 U.S.C. § 1331.

5. This Court has personal jurisdiction over Defendants. The wrongful conduct giving rise to this case occurred in, was directed to, and/or emanated from this District. Plaintiff resided within this district when the calls were made.
6. Venue is proper under 28 U.S.C. § 1391(b)(2).

### **PARTIES**

7. Plaintiff Jorge Alejandro Rojas is a natural person residing in Bolingbrook, IL 60440, and is a citizen of the State of Illinois.
8. Defendant Nancy Pelosi for Congress (“Pelosi Campaign”) is a campaign committee seeking to re-elect Defendant Nancy Pelosi for office in the U.S. House of Representatives. The Campaign is located at 700 13th Street, NW Suite 800 Washington, DC 20005.
9. Defendant Nancy Pelosi (“Pelosi”) is campaigning for office as U.S. Representative for the State of California. Defendant Pelosi’s office is located at 90 7th Street Suite 2-800 San Francisco, CA 94103.
10. Defendant ACTBLUE LLC (“Actblue”) is a Massachusetts entity with a principal address of 366 Summer St, Somerville, MA 02144 and registered agent of Erin Hill located at the same.
11. Defendants are each a person as defined by 47 U.S.C. § 153(39).
12. Defendants acted through their agents, affiliates, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and/or insurers.

### **STATUTORY BACKGROUND**

13. The TCPA makes it unlawful to make calls to any cellular or residential line using an artificial or prerecorded voice, or an automatic telephone dialing system, without the call recipient’s prior express consent. *See* 47 U.S.C. § 227(b); *In the Matter of Rules & Regulations Implementing the Tel. Consumer Prot. Act of 1991*, 27 F.C.C. Rcd. 1830, 1844 (2012).
14. The TCPA provides a private cause of action to persons who receive such automated or -pre-recorded calls. *See* 47 U.S.C. § 227(b)(3).
15. “A text message to a cellular telephone, it is undisputed, qualifies as a ‘call’ within the compass of § 227(b)(1)(A)(iii)”. *Campbell-Ewald Co. v. Gomez*, 577 U.S. 153, 156, (2016).
16. In 2013, the FCC required prior express written consent for all autodialed or prerecorded telemarketing calls (“robocalls”) to wireless numbers and residential lines. It ordered that:

[A] consumer’s written consent to receive telemarketing robocalls must be signed and be sufficient to show that the consumer: (1) received “clear and conspicuous disclosure” of the consequences of providing the requested consent, i.e., that the consumer will receive future calls that deliver prerecorded messages by or on behalf of a specific seller; and (2) having received this information, agrees unambiguously to receive such calls at a telephone number the consumer designates.[] In addition, the written agreement must be obtained “without requiring, directly or indirectly, that the agreement be executed as a condition of purchasing any good or service.[]”

*In the Matter of Rules & Regulations Implementing the Tel. Consumer Prot. Act of 1991*, 27 F.C.C. Rcd. 1830, 1844 (2012) (footnotes omitted).

17. The FCC has explained that its “rules generally establish that the party on whose behalf a solicitation is made bears ultimate responsibility for any violations.” *See In re Rules & Regulations Implementing the TCPA*, 10 FCC Rcd. 12391, 12397 (1995).
18. When considering individual officer liability under the TCPA, other Courts have agreed that a corporate officer involved in the telemarketing at issue may be personally liable under the TCPA. *See, e.g., Jackson Five Star Catering, Inc. v. Beason*, 2013 U.S. Dist. LEXIS 159985, \*10 (E.D. Mich. Nov. 8, 2013) (“[M]any courts have held that corporate actors can be individually liable for violating the TCPA “where they ‘had direct, personal participation in or personally authorized the conduct found to have violated the statute.’”); *Maryland v. Universal Elections*, 787 F. Supp. 2d 408, 415-16 (D. Md. 2011) (“If an individual acting on behalf of a corporation could avoid individual liability, the TCPA would lose much of its force.”).
19. Under the TCPA, individual party Defendants are personally liable for the acts and omissions alleged in this Complaint.
20. “Non-emergency prerecorded voice or autodialed calls to [the destinations enumerated in 47 U.S.C. § 227(b)(1)(A)] are permissible only with the prior express written consent of the called party.” This includes political calls. *See FCC Enforcement Advisory: Tel. Consumer Prot. Act Robocall & Text Rules – Biennial Reminder for Pol. Campaigns About Robocalls & Text Abuse*, 31 FCC Rcd. 1940, 1941 n.6 (2016).

21. Individual party Defendants in this case directed and oversaw the telemarketing activity in progress, including selecting any third-party affiliate to make the call, exercised control over those affiliates, and any other employees who made the telephone calls.

### ALLEGATIONS

22. At all times relevant hereto, Plaintiff maintained and used a residential telephone line, with phone number (424) XXX-1582.

23. Plaintiff's phone number is not associated with a business and is used by Plaintiff solely.

24. Plaintiff is the account holder and customary user of his phone number.

25. Plaintiff registered his phone number on the Federal Do Not Call Registry on or around January 18, 2008.

26. Plaintiff registered his phone number on the Do Not Call Registry to obtain solitude from invasive and harassing telemarketing calls. The call prevented Plaintiff from using his phone for legitimate purposes.

27. **Call 1.** On or about November 30, 2021, at 12:12 PM Chicago time, Plaintiff received a text from Defendants, from 844-616-1016.

28. The text identified above contained an image of Pelosi.

29. **Call 2.** On or about November 30, 2021, at 12:12 PM Chicago time, Plaintiff received a text from Defendants, from 844-616-1016.

30. The text identified above stated "It's Nancy Pelosi. I don't usually send you texts this long, but this is dire. Three reports just revealed Dems' Majority is in critical danger. I need you to read my entire message, then rush \$13 before tonight's End of Month Deadline to keep Republicans from EVER holding power again > p2tf.us/np8?t=iRTm **WAPO: REPUBLICANS ARE OUTRAISING DEMOCRATS** I can't overstate the urgency. -Trump threatened to run for President if Rs **FLIP** my Majority -And they just outraised us by nearly **\$10M** to do it Unless we outraise Republicans & close my budget gap, we'll have no chance to protect our Majority. Can you help? > p2tf.us/np8?t=V1ma **NEW YORK TIMES: REPUBLICANS GAIN HEAVY HOUSE EDGE** I'm speechless. -Rs just added **FIVE** seats to their list of expected wins -And they only need to flip **FIVE** seats to take our Majority I need MASSIVE backlash -- 1K gifts before midnight -- to PROTECT our Democratic Majority. Will you rush \$13? > p2tf.us/np8?t=iLuh **FOX: REPUBLICANS LAUNCH ATTACK TO RETAKE HOUSE** I need

you to understand: -Rs launched expensive attacks to unseat **THIRTEEN** of my Dems -Their filthy attacks are working. They just took the **LEAD** in the polls I will not allow Republicans to swoop in, flip our Majority, and destroy our progress. I need 1K gifts ASAP to save my critical Dem Majority. I'm counting on you in this moment more than you can imagine > p2tf.us/np8?t=2jJZ Nancy Stop2End.”

31. **Call 3.** On or about June 10, 2022, at 12:10 PM Chicago time, Plaintiff received a text from Defendants, from 888-670-6487.
32. The text identified above contained an image of Pelosi.
33. **Call 4.** On or about June 10, 2022, at 12:10 PM Chicago time, Plaintiff received a text from Defendants, from 888-670-6487.
34. The text identified above stated “**It’s Nancy Pelosi.** This is the most important text I’ve ever sent you. **Fox News just admitted Republicans are FLEEING the Senate.** >> p2tf.us/np206?t=TsJOU - Ohio's Senator called it quits - Pennsylvania's Senator is out - North Carolina's Senator is retiring - Alabama's Senator is stepping down - Now, Missouri's Senator is leaving, too Let me be perfectly clear: We have a once-in-a-lifetime chance to HOLD the House, HOLD the Senate, and replace every last anti-choice Republican. But I need **5,000 Democratic Members** before midnight to own this momentum and prove that Democrats have what it takes to WIN. >> p2tf.us/np206?t=TsJOU I need you to understand how critical donations from our 2022 Members are. Republicans might have us outraised, but I know we're on the right side of history. **Every year, I count on our Democratic Members to fund our most critical races.** Members of Congress who are fighting for what we believe in: Reproductive freedom, child care, Social Security, health care, our democracy, and our agenda For The People. I hope I can count on you and see your name on my list of Democratic Members before this critical deadline. >> p2tf.us/np206?t=TsJOU Thank you, Nancy On behalf of Elect Democrats Text STOP to quit.”
35. **Call 5.** On or about June 16, 2022, at 10:09 AM Chicago time, Plaintiff received a text from Defendants, from 888-670-6276.
36. The text identified above contained an image of Pelosi.
37. **Call 6.** On or about June 16, 2022, at 10:09 PM Chicago time, Plaintiff received a text from Defendants, from 888-670-6276.

38. The text identified above stated “**It’s Nancy Pelosi.** I am shocked and appalled. FIRST: I watched Trump's supporters breach and trash our Capitol on January 6th. THEN: TEN Republicans involved in the January 6th rallies were elected to office. NOW: FIVE more are running for Congress - and Republicans only need to win FIVE seats to retake our Majority. **I am through with Republicans thinking they can trample our democracy with their dangerous lies and misinformation.** But here's what I need from you: Before midnight, I need 500 Democrats to renew their 2022 Memberships to PROTECT our Majority and ensure these dangerous Republicans never set foot in the halls of Congress again. Can I count on your \$14?>> p2tf.us/np214?t=kuCOQ Let me make this perfectly clear: Republicans have broken their oath to serve and protect our democracy. They betrayed and abused the power of their office. **Now, I need your help to OUST them from Congress - and make them pay the price for what they've done.** I'm asking because our democracy is on the line: I need 500 Democratic Memberships before midnight to have a historic fundraising haul and show Republicans who sided with Trump and his violent supporters that their days in Congress are numbered. Will you step up and rush in \$14? >> p2tf.us/np214?t=kuCOQ Thank you, Nancy On behalf of Elect Democrats Text STOP to quit”
39. **Call 7.** On or about June 17, 2022, at 1:05 PM Chicago time, Plaintiff received a text from Defendants, from 888-670-6191.
40. The text identified above contained an image of Pelosi.
41. **Call 8.** On or about June 17, 2022, at 1:05 PM Chicago time, Plaintiff received a text from Defendants, from 888-670-6191.
42. The text identified above stated “**It's the Speaker:** I see that you started to make a gift on ActBlue but didn't complete it. I'm counting on you to stop Republicans from taking the Senate and House - can you finish your gift ASAP? >> p2tf.us/np215?t=uCwkz Thank you, Nancy On behalf of Elect Democrats Text STOP to quit.”
43. **Call 9.** On or about June 23, 2022, at 8:58 AM Chicago time, Plaintiff received a text from Defendants, from 888-670-5996.
44. The text identified above contained an image of Pelosi.
45. **Call 10.** On or about June 23, 2022, at 8:58 AM Chicago time, Plaintiff received a text from Defendants, from 888-670-5996.

46. The text identified above stated “**It's Nancy Pelosi**. I can hardly believe my eyes. CNN just revealed the most vulnerable Republican Senate seats in this election: – Marco Rubio is now in danger of LOSING his seat in Florida – Ron Johnson is now in danger of LOSING his seat in Wisconsin >> p2tf.us/np218?t=C2yZm I need you to understand what this means: If Democrats spring into action to FLIP these two Senate seats, Mitch McConnell’s hopes of regaining the Senate will be gone in an instant. I’m launching an immediate response to take advantage of this amazing swing in Democrats’ favor. I need 3,000 gifts before midnight to put my plan into action, send Democratic reinforcements to critical races all over the country, and ensure Democrats win the BIGGEST Senate Majority in history. Can I count on your \$14 in this make-or-break moment? >> p2tf.us/np218?t=C2yZm Thank you, Nancy Pelosi On behalf of Elect Democrats Text STOP to quit.”
47. **Calls 11, 12, 13, 14, 15.** On or about June 24, 2022, at 10:09 AM Chicago time, Plaintiff received a text from Defendants, from 888-594-7940.
48. The text identified above stated “**It's Nancy Pelosi -- my heart is racing**. The Supreme Court has officially voted to overturn Roe v. Wade. I need a historic response to meet this earth-shattering moment -- 25,000 Democratic gifts in the next 24 hours -- to replace every last anti-choice Republican who made this happen. >> p2tf.us/np224?t=tqiRn **Let me be perfectly clear: The Supreme Court just ripped reproductive rights from every single woman in this country.** Now, this election just turned into the biggest fight for women's rights in our nation's history. The only -- ONLY -- way to get justice is to win this election, protect the Democratic House and Senate, and send a message so powerful, so resounding, there can be no question of our opposition. **Will you rush \$15 to stand with me on the right side of history?** >> p2tf.us/np224?t=tqiRn Thank you, Nancy Pelosi Via Elect Democrats Text STOP to quit.”
49. The above identified text was sent without an image, therefore the maximum message length is 160 characters. The above message was 727 characters, which indicates it is 5 separate text messages. While Plaintiff’s phone presented these five texts as a single text, Plaintiff, upon information and belief, alleges these were five texts based on character count.
50. Plaintiff sent a STOP request to 888-594-7940 on July 16, 2022, at 11:14 AM.



51. Plaintiff received confirmation of the STOP request, "NETWORK MSG: You replied with the word "stop" which blocks all texts sent from this number. Text back "unstop" to receive messages again."
52. Notwithstanding the STOP message request, and confirmation being received, Plaintiff continued to receive texts from Defendants.
53. **Call 16.** On or about June 25, 2022, at 3:36 PM Chicago time, Plaintiff received a text from Defendants, from 888-594-5315.
54. The text identified above contained an image of Pelosi.
55. **Call 17.** On or about June 25, 2022, at 3:36 PM Chicago time, Plaintiff received a text from Defendants, from 888-594-5315.
56. The text identified above stated "**It's Speaker Pelosi --** I'm launching an emergency petition to protect reproductive rights. Will you sign your name beside mine? >> p2tf.us/np235?t=reIrK --- The Supreme Court just ripped reproductive rights away from every single woman in this country. For every woman who's been brutally attacked or raped... For every woman whose pregnancy puts her life in danger... For every woman whose privacy will be horrifically assaulted by this decision... I need you to step up, sign your name, and help me defend our most fundamental rights. I urgently need 100,000 signatures on my emergency petition to OPPOSE the Supreme Court's horrifying ruling and prove OVERWHELMING support for reproductive freedom. **I know we can change the course of history, but I need you to take a stand and sign your name** >> p2tf.us/np235?t=reIrK I'm launching an emergency petition to denounce the Supreme Court's ruling to overturn Roe v. Wade and strip women across the nation of their fundamental reproductive freedom. If we don't do everything in our power to change the course of history in this critical window of time, we could doom generations of women to unbearable suffering, danger, and heartache at the decimation of their reproductive rights. **I need 100,000 signatures on my emergency petition before midnight. Will you sign your name?** >> p2tf.us/np235?t=reIrK Thank you, Nancy Via Elect Democrats Text STOP to quit."
57. **Call 18.** On or about June 30, 2022, at 9:54 AM Chicago time, Plaintiff received a text from Defendants, from 888-310-4176.
58. The text identified above contained an image of Pelosi.



59. **Call 19.** On or about June 30, 2022, at 9:54 AM Chicago time, Plaintiff received a text from Defendants, from 888-310-4176.
60. The text identified above stated “**It's Speaker Pelosi** -- I mean every word I'm about to say: -- I watched Republicans steal a Supreme Court seat from President Obama. -- I watched them pack the Supreme Court with THREE of Trump's radical justices. -- I watched those justices take an apocalyptic vote to DECIMATE Roe v. Wade. Now, I'm going to make them regret it -- by kicking every last anti-choice Republican OUT of office for what they've done. >> p2tf.us/np249?t=IdsmA **If Republicans think we're going to sit back and let them rip reproductive rights away from millions of women without consequence, I'm going to prove them dead wrong.** I only need 1 more gift from your zip code before the FIRST End of Quarter Deadline since the SCOTUS ruling to have one of the biggest Democratic fundraising hauls in history, FLATTEN Republicans in this election, and make them rue the day they ever came after our country's women. >> p2tf.us/np249?t=IdsmA **There is no turning back from this.** I cannot overstate how badly I need your \$14 in this moment to save women's constitutional rights for generations to come. Will you step up before midnight? >> p2tf.us/np249?t=IdsmA Thank you, Nancy via Elect Democrats Text STOP to quit.”
61. **Call 20.** On or about July 15, 2022, at 11:10 AM Chicago time, Plaintiff received a text from Defendants, from 877-892-2978.
62. The text identified above contained an image of President Trump and others.
63. **Call 21.** On or about July 15, 2022, at 11:10 AM Chicago time, Plaintiff received a text from Defendants, from 877-892-2978.
64. The text identified above stated “**It's Speaker Pelosi.** I'll be straight with you: -- I watched Donald Trump raise \$124 MILLION to take down our Majorities. -- I watched Kevin McCarthy raise another \$31 MILLION to go after my vulnerable Democrats. -- I watched election-denying Republicans like Ted Cruz and Marjorie Taylor Greene raise MILLIONS more. It's unconscionable. And now, I'm going to watch their vicious attacks BACKFIRE. >> p2tf.us/np259?t=R7aU3 **Here's the plan: For just 10 more hours, I'm giving grassroots Democrats one more opportunity to become a 2022 Democratic Member by chipping in \$15.** If 5,000 more Democrats join me before midnight, I'll have

the resources to HOLD the House, HOLD the Senate, and ensure Trump and his loyal allies never hold an OUNCE of power again. **Can I count on you?** >> p2tf.us/np259?t=R7aU3 Thank you, Nancy via Elect Democrats Text STOP to quit.”

65. Defendants worked in concert to communicate messages regarding its political campaigns. To generate support for their campaigns and causes, Defendants relied upon their automated messages.
66. “Stop2End” and “Text STOP to quit” are a further indication that the messages sent by Defendants utilized an automatic telephone dialing system, along with combining images and texts in the same message and sending them at the same time.
67. The text was sent for the benefit of Pelosi and her campaign. The texts contained a link to an ActBlue website. Defendant ActBlue would handle any campaign contributions. All these Defendants had an interest in the election of the individuals being referenced in the texts.
68. The text messages were sent en masse to many individuals and were pre-written and not personalized in nature. Plaintiff has never provided his consent to be called or texted to Defendants.
69. The conduct alleged in this action was made willful and knowingly.
70. Defendants’ phone call utilized an Automatic Telephone Dialing System (ATDS) without obtaining Plaintiff’s prior express written consent.
71. Defendants did not have any consent to call Plaintiff.
72. Defendants are not an organization exempt from the TCPA.
73. Upon information and belief, Plaintiff received additional calls from Defendants and their affiliates not included above.
74. The impersonal and generic nature of Defendants’ call shows that Defendants utilized an Automatic Telephone Dialing System (ATDS) and/or a pre-recorded voice in making the call.
75. In total, Defendants and/or their affiliates placed at least twenty one (21) automated text message calls to Plaintiff.
76. As a result of the foregoing, Plaintiff experienced frustration, annoyance, irritation and a sense that his privacy has been invaded by Defendants.
77. Defendants have a pattern and/or practice of failing to comply with the TCPA.
78. The foregoing acts and omissions were in violation of the TCPA.

79. Other Defendants may be named in this case following discovery, including for example any other individuals or entities who directed the unlawful conduct to be made.
80. The TCPA prohibits placing calls using an automatic telephone dialing system or automatically generated or prerecorded voice to a cellular telephone except where the calling has the prior express consent of the called party to make such calls or where the call is made for emergency purposes. 47 U.S.C. § 227(b)(1)(A)(iii).
81. As a result of Defendants' knowing and/or willful violations of 47 U.S.C. § 227 et seq., Plaintiff is entitled to treble damages of up to \$1,500.00 for each and every call made in violation of the statute, pursuant to 47 U.S.C. § 227(b)(3)(C).
82. The acts and omissions of Defendants constitute knowing and/or willful violations of the TCPA, including but not limited to each of the above-cited provisions of 47 U.S.C. § 227.
83. Plaintiff seeks injunctive relief prohibiting such conduct violating the TCPA by Defendants in the future.
84. Plaintiff is also entitled to an award of costs.
85. Defendants' call was not made for "emergency purposes."
86. Defendants' call to Plaintiff were made without any prior express written consent.
87. Defendants contacted Plaintiff even though Plaintiff was on the Do Not Call Registry.
88. Defendants' acts as described above were done with malicious, intentional, willful, reckless, wanton and negligent disregard for Plaintiff's rights under the law and with the purpose of harassing Plaintiff.
89. The acts and/or omissions of Defendants were done unfairly, unlawfully, intentionally, deceptively and fraudulently and absent bona fide error, lawful right, legal defense, legal justification or legal excuse.
90. As a result of the above violations of the TCPA, Plaintiff has suffered losses and damages as set forth above entitling Plaintiff to an award of statutory, actual and trebles damages.
91. Plaintiff, in discovery will identify additional telephone calls made by Defendants' and or their agents or affiliates, and requests leave to amend the complaint after identifying.
92. Defendants hired, permitted, and enjoyed the benefits of any lead generator and call centers mass robocalling.

93. For the counts identified below, Defendants are directly liable as the party that caused the unlawful calls to be placed.

94. Plaintiff requests a jury trial on all issues so triable.

**COUNT 1.**

**Violation of the TCPA's Automated Telemarketing Call Provisions, 47 U.S.C. § 227(b)(1)**

95. Plaintiff incorporates the foregoing paragraphs as though they were set forth at length herein.

96. Defendants or one of their affiliates or vendors called Plaintiff's cellular telephone using an "automatic telephone dialing system" and/or a pre-recorded voice as defined by the TCPA on at least twenty-one (21) occasions in violation of 47 U.S.C. § 227(b)(1), without Plaintiff's prior express written consent.

97. Plaintiff was statutorily damaged at least twenty-one (21) occasions under 47 U.S.C. § 227(b)(3)(B) by the Defendants by the telephone call described above, in the amount of \$500.00 for each.

98. Plaintiff was further statutorily damaged because Defendants willfully or knowingly violated this subsection of the TCPA. Plaintiff requests that the court treble the damage amount as permitted under 47 U.S.C. § 227(b)(3)(C) for these willful or knowing violations.

WHEREFORE, Plaintiff respectfully requests that judgment be entered in his favor and against Defendants, jointly and/or severally, in an amount of \$31,500.00 plus costs and any other remedy deemed appropriate.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully requests that judgment be entered in favor of him and against Defendants, jointly and or severally, in an amount to be more fully determined at trial, but at least \$31,500.00 as permitted by statute, as follows:

- A. All actual damages Plaintiff suffered;
- B. Statutory damages of \$500.00 per call for each and every violation of 47 U.S.C. § 227(b);
- C. Treble damages of \$1,500.00 per call for each violation determined to be willful and/or knowingly pursuant to 47 U.S.C. § 227(b)(3)(C);
- D. All reasonable attorneys' fees, witness fees, court costs, pre and post-judgment interest, and other litigation costs incurred by Plaintiff;

- E. Injunctive relief prohibiting such violations of the TCPA by Defendants in the future;
- F. Leave to amend this Complaint to conform to the evidence presented at trial; and
- G. Any other relief this Court deems proper.

Respectfully submitted,

Dated: October 24, 2022

/s/ Jorge Alejandro Rojas  
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